

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of

Amendment of the Commission's  
Rules to Establish New Personal  
Communications Services

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GEN Docket No. 90-314

**UTAM REPORT TO THE FCC**

July 1, 2005

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UTAM, Inc. ("UTAM"), the frequency coordinator for the unlicensed personal communications service ("UPCS") band, herewith submits its semi-annual report on implementation of the UTAM Plan for Financing and Managing 2 GHz Microwave Relocation.<sup>1</sup> As detailed below, UTAM continues to fulfill its obligations to facilitate the deployment of UPCS devices. The market for UPCS devices continues to expand as applications of wireless technology continue to penetrate all facets of business, education and health care. The procedures that UTAM has put in place to ensure compliance with its charter continue to work well in managing the deployment of unlicensed devices and protecting incumbent microwave operations from any interference. To date, no incidents of microwave interference have been encountered.

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<sup>1</sup> UTAM Plan for Financing and Managing 2 GHz Microwave Relocation, GEN Docket No. 90-314 (filed Aug. 1, 1994) [hereinafter "UTAM Plan"]. On April 19, 1995, the Commission formally approved UTAM as the UPCS frequency coordinator. As part of its responsibilities, UTAM was charged with submitting biannual progress reports to update: (a) the financial and band-clearing plans; (b) projections of future band clearing; (c) the extent of incumbent microwave relocations; (d) the extent of UPCS device deployment; and (e) any difficulties encountered in implementing the UTAM Plan. Amendment of the Commission's Rules to Establish New Personal Communications Services, 10 FCC Rcd 7955 (1995) (Fourth Memorandum Opinion and Order).

## **I. EXECUTIVE SUMMARY**

As noted in previous reports to the Commission, UTAM continues to meet the objectives established by the Commission in bringing UPCS systems to the public. Over the course of the reporting period, the processes and procedures put in place to allow the deployment of UPCS devices have continued to work well and continue to be adhered to by manufacturers of UPCS devices.<sup>2</sup> As in the past, UTAM will continue to monitor these processes and procedures and make any refinements deemed necessary.

Since UTAM filed its last report with the Commission in January 2005, UTAM is pleased to report that the following tasks have been accomplished:

- ▶ In April 2005, with the sunset of the 2GHz microwave relocation rules, and modification of the Part 15 rules to accommodate additional standards, UTAM member were able to begin the deployment of nomadic devices. These changes have encouraged an increase of interest in use of the band and has resulted in additional manufacturers developing plans to deploy product in the band.

## **II. UPCS MARKET DEVELOPMENT**

As noted in UTAM's January 2005 report , the UPCS band has undergone significant regulatory change. Substantial parts of the UPCS band have been reallocated to Nextel as part of the 800 MHz rebanding (1910-1915 MHz) and to Advanced Wireless Services (1915-1920 MHz). The FCC has also modified the technical parameters of the band, with the concurrence of UTAM, to permit the

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<sup>2</sup> Under FCC rules, parties must execute a signed Subscriber Agreement with UTAM, receive UTAM certification and obtain FCC authorization before marketing or installing a UPCS product of device. See 47 C.F.R § 15.307.

deployment of systems based on the Digital Enhanced Cordless Telephone (“DECT”) specification. And, with the sunset of the incumbent microwave cost relocation rules in April of 2005, manufacturers are beginning to deploy a range of nomadic devices. As a result, UTAM has adapted and revised certain processes to accommodate these changes and new technologies.

UPCS, and the use of enterprise-based wireless systems has been an integral part of conducting business for some time. From small businesses to large businesses, from small elementary schools to college campuses, the use of these unlicensed wireless devices has improved productivity and has made communications more convenient. In many industries, the use of these devices is almost a competitive necessity; in others, such as nuclear power plants and hospitals, these systems serve mission-critical applications because of the heightened interference protection that UPCS devices provide. In addition, the sizes of the systems being deployed continue to grow and, in many cases, are supporting hundreds of users. In some of these locations, the high density of users in a small area has created the need for additional spectrum.

In April of 2005, which marked the 10<sup>th</sup> anniversary of the grant of a PCS authorization, incumbent microwave users no longer receive cost compensation for relocating to avoid interference by PCS and UPCS users. In October of 2004, six months prior to that date, UTAM sent letters to all remaining microwave incumbents in the 1920-1930 MHz band indicating that, on April 5, 2005, manufacturers would begin deployment of nomadic devices and therefore that such microwave users should either contact UTAM immediately or plan to cease operation on that date. To date, UTAM has

received no responses from any incumbent users, and therefore believes that deployment of nomadic devices will proceed without complication. The ability to deploy nomadic devices opens the door to a wide range of new applications for UPCS. Already, a number of manufacturers have joined UTAM with intentions of introducing nomadic products into the band.

UTAM has also participated extensively in a number of proceedings relating to the reallocation of the 1910-1920 MHz bands. Since the adoption of the UPCS rules, UTAM has funded the relocation of microwave users from the UPCS band segment, including 1910-1920 MHz. In light of the relocation, UTAM has worked to ensure that the out-of-pocket costs of manufacturers in relocating microwave users from the 1910-1920 MHz band is fully repaid by the new users of those bands.

Notwithstanding the repayment of expenditures for 1910-1920 MHz and the sunset of the cost-sharing rules, UTAM still has significant obligations relating to microwave relocation. Specifically, UTAM negotiated an agreement with the PCS carriers in the band that permits UTAM to pay cost-sharing obligations over time. These cost-sharing obligations remain outstanding, and UTAM will continue to collect per device fees from manufacturers of devices in the band as a means of offsetting those obligations. Due to the mass market nature of DECT devices, however, UTAM has restructured its fee schedule such that, instead of a \$20 per unit fee, manufacturers now producing equipment for the band are charged a one time fee of \$50,000 and a per device charge of only \$0.50.

Through its participation in these regulatory activities, UTAM has continued its efforts to ensure that the UPCS frequencies are utilized efficiently and that UPCS

devices are deployed rapidly and fully. Markets that are successful tend to attract additional competitors, and the market for unlicensed products is no different.

Additional competitors continue to introduce new unlicensed products with enhanced features and applications. As a result of the additional competition, end users are enjoying the benefits of downward pressure on pricing. Further, as the technology continues to become less expensive, it is expected to create wider demand for these systems both in volume and in the size of systems deployed, as users will opt to provide coverage over greater areas of their business and expand the use of these devices to more employees.

### **III. DEPLOYMENT ACTIVITIES**

#### **A. Deployment Procedures**

As stated in previous reports, UTAM is pleased that the procedures developed and refined to facilitate the deployment of UPCS devices continue to be effective and are being readily adhered to by manufacturers. In an ongoing effort to effectively streamline its operations and to respond to suggestions made by participating manufacturers and others, UTAM will continue to evaluate and refine these procedures, as needed.

As specified in the Subscriber Agreement, UTAM, through an independent third party, continues to audit its subscriber members' product deployment records. This audit is intended to ensure that each member pays their fair share of the cost to clear the band. To date, no major discrepancies have been observed.

## **B. Prior Coordination Notice (“PCN”) Procedure**

With the sunset of the 2 GHz microwave relocation rules, members no longer have to coordinate the deployment of their products, therefore UTAM no longer requires its members to enter information into its Data Base Management System, or issue Prior Coordination Notices (PCNs). Members can now deploy products without concern for interfering with incumbent microwave operators.

## **C. Product Deployment**

As noted in past reporting periods, product deployment continues at a reasonable pace. With the recent sunset of the 2 GHz microwave relocation rules, and the change in Part 15 rules, UTAM is anticipating a significant increase in product deployment of non-coordinated, consumer oriented, nomadic devices, such as cordless phones. As chartered, UTAM will continue to collect the associated clearing fees for these products and as more fully detailed in the UTAM Plan filed with the Commission, UTAM will use these fees to finance the costs associated with relocation of microwave incumbents from the spectrum allocated to UPCS.

UTAM has also modified its policies and procedures to compliment the recent rule changes in the isochronous band in anticipation of the consumer oriented products that are expected to be deployed. UTAM has restructured its clearing fees to be more in line with a consumer price point while continuing to pay down its financial obligations incurred in clearing the band. Manufacturers now producing equipment for the band are charged a one time fee of \$50,000 and a per device charge of only \$0.50.



#### **IV. RELOCATION ACTIVITIES**

As mentioned in previous reports to the Commission, UTAM, in an effort to accelerate the clearing process, has entered into a comprehensive cost sharing agreement with the PCIA Clearinghouse and its members. Under the agreement, UTAM will share the costs of relocated microwave links with the PCS carriers responsible for their relocation. The current agreement is a multiparty agreement that includes the PCIA Microwave Clearinghouse and a number of PCS carriers. With the sunset of the 2 GHz relocation rules, the PCIA Microwave Clearinghouse has been discontinued and all financial obligations have, for all intent and purposes, been finalized. UTAM is currently working with each of the carriers to modify the agreement and establish individual agreements with each of the carriers eliminating the need for the PCIA Microwave Clearinghouse involvement. To date, no obstacles have been encountered and UTAM expects these agreements to in place by the end of July 2005.

#### **V. OPERATIONAL, ORGANIZATIONAL AND FINANCIAL STATUS**

##### **A. Operational Status**

UTAM continues to successfully use the operational procedures that it put in place to oversee the deployment of UPCS devices.

##### **B. Membership and Staffing**

The voting membership currently consists of Alcatel USA, ASCOM Wireless Solutions, Avaya, IWATSU America, Motorola, Inc., NEC America, Inc., Nortel Networks Inc., SpectraLink Corporation, Tadiran, Inc., Seimens Information and Communications Networks, Toshiba, Plantronics, Ascalade Communications and RTX Products A/S. In

addition, UTAM also has numerous associate members.<sup>3</sup> Given the ongoing number of inquiries for requirements to operate in the UPCS band, combined with the full clearing of the UPCS band and the recent rule changes, UTAM is confident that additional manufacturers and distributors will become voting members in the course of 2005.

### **C. Funding**

UTAM has continued to collect clearing fees from the deployment of UPCS products. As mentioned above, UTAM has currently revised its clearing fee structure to align more with a consumer price point, down significantly from its current fee of \$20 per radiating unit. Based on early assessments, the actual and forecasted growth in clearing fees from increased deployments resulting from the recent rule changes indicates that these fees, combined with UTAM's current assets, will keep UTAM in a sound financial position into the foreseeable future.

## **VI. OUTREACH ACTIVITIES**

UTAM has continued its efforts to maintain contacts with other PCS-related industry groups in order to remain current on industry developments. UTAM has worked together with a number of organizations in coordinating activities in support of the recent rule changes implemented by the Commission. At the same time, UTAM has been receptive to, and worked in conjunction with, other classes of device manufacturers to promote the broadest availability of unlicensed products for the American public.

Through its members, UTAM also participates in other industry-wide seminars and trade shows to increase the awareness of the market for UPCS devices. In

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<sup>3</sup> A complete list of UTAM Board of Trustees and Associate Members is attached.

addition, UTAM continues to answer inquiries regarding its objectives and processes and provides information to interested parties as necessary.

## **VII. CONCLUSION**

UTAM is once again pleased to report that the framework that has been established and maintained for the deployment of unlicensed devices continues to work successfully. UTAM is confident that the success of the UPCS industry shall continue with the recent changes to the UPCS band and with the recent rules changes, the UPCS industry will have the ability to deploy even more product offerings to the public. The continued growth of UPCS sales and the continued adherence by manufacturers to UTAM's operational processes indicate that UTAM is maintaining a proper course for fulfilling its overall charter. UTAM will continue to monitor and refine its operations to meet the dynamics of the UPCS market and looks forward to the challenges that lie ahead.

Respectfully Submitted,

UTAM, INC.

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July 1, 2005

## APPENDIX A

### **UTAM BOARD OF TRUSTEES AND ASSOCIATE MEMBERS**

#### **VOTING MEMBERS**

Alcatel USA – Mr. Jose Paulett  
ASCOM Wireless Solutions. – Mr. Chad West \*\*  
Avaya, Inc. – Ms. Sandy Abramson (*President*) \*\*  
Motorola, Inc. – Mr. Craig Chenicek (*Treasurer*) \*\*  
NEC America Inc.– Mr. Tom Grady \*\*  
Nortel Networks Inc. – Mr. Gord Webster \*\*  
SpectraLink Corporation – Mr. Ben Guderian (*Secretary*) \*\*  
Toshiba – Mr. Paul Keith  
Nitsuko America, Inc. – Mr. Paul Shaeffer  
Iwatsu America, Inc. – Mr. Bob Chrostowski  
Seimens Information and Communications Networks – Rick Krupka  
Plantronics – Steve Cahill  
Ascalade Communications – Bruce Bernard  
RTX A/S – Else Larsen

\*\* Member of the Board of Trustees

#### **UTAM ASSOCIATE MEMBERS**

Communications Certification Laboratory	Matsushita
Comsearch	NTT America
Freemove Telecom	P-Com Network Services
Harris Corporation	Phillips Business Communications
Industrial Telecommunications Association	Redcom Laboratories
JRC Canada, Inc.	